

DEC 27 2019

FCC Mailroom

Before the
Federal Communications Commission
 Washington, D.C. 20554

In the Matter of Application of:)	
)	
LA FAVORITA, INC.)	FRN: 0009983149
)	Facility No. 36157
Licensee of WAOS(AM), Austell, GA,)	Facility No. 8606
WLBA(AM), Gainesville, GA, and)	Facility No. 36158
WXEM(AM), Buford, GA)	

To: Office of the Secretary
 Attention: Chief, Media Bureau, and
 Managing Director, Office of Managing
 Director

PRECAUTIONARY SUPPLEMENT TO
RESPONSE TO ORDER TO PAY
OR TO SHOW CAUSE

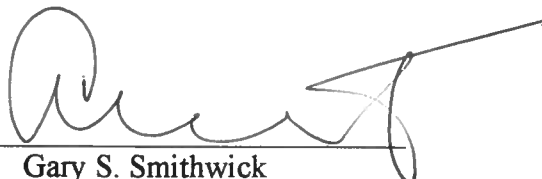
La Favorita, Inc. ("La Favorita"), by counsel, hereby supplements its "Response to Order to Pay or to Show Cause" filed December 20, 2019, with the attached Declaration of Samuel Zamarron, president of La Favorita.

By *Order to Pay or to Show Cause*, DA 19-1096, released October 26, 2019, the Chief, Media Bureau, and the Managing Director initiated a proceeding to revoke the licenses held by La Favorita for WAOS(AM), Austell, Georgia; WLBA(AM), Gainesville, Georgia (herein, the "Stations"); and WXEM(AM), Buford, Georgia, for failure to pay delinquent regulatory fees and associated interest, administrative costs, and penalties owed to the Commission. The Commission afforded La Favorita 60 calendar days, or until December 27, 2019, to pay the fees or "show cause why the payment demanded is inapplicable or should otherwise be waived or deferred." On December 20, 2019, La Favorita filed its response (copy attached as Attachment 1). Mr. Zamarron's Declaration is Attachment 2.

Although undersigned counsel believes the response is acceptable as Commission may take official notice of the statements made in the Response, in an abundance of caution, La Favorita is filing the attached Declaration to support its Response.

Respectfully submitted,

LA FAVORITA, INC.

By: 
Gary S. Smithwick
Its Attorney

Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, NW
Suite 301
Washington, DC 20016

202-363-4560

December 26, 2019

ATTACHMENT 1

COPY OF RESPONSE

Before the
Federal Communications Commission
Washington, D.C. 20554

Accepted / Filed

DEC 20 2019

Federal Communications Commission
Office of the Secretary

In the Matter of Application of:

LA FAVORITA, INC.

Licensee of WAOS(AM), Austell, GA,
WLBA(AM), Gainesville, GA, and
WXEM(AM), Buford, GA

FRN: 0009983149

Facility No. 36157

Facility No. 8606

Facility No. 36158

To: Office of the Secretary
Attention: Chief, Media Bureau, and
Managing Director, Office of Managing
Director

RESPONSE TO ORDER TO PAY
OR TO SHOW CAUSE

La Favorita, Inc. ("La Favorita"), by counsel, hereby shows cause why payment of its regulatory fee debt should be deferred pursuant to an installment payment plan. In light of the showing herein, the Commission's proceeding to revoke the licenses held by La Favorita should be dismissed and pending applications for renewal of license filed by La Favorita should be processed and granted in due course.¹

By *Order to Pay or to Show Cause*, DA 19-1096, released October 26, 2019, the Chief, Media Bureau, and the Managing Director initiated a proceeding to revoke the licenses held by La Favorita for WAOS(AM), Austell, Georgia; WLBA(AM), Gainesville, Georgia (herein, the "Stations"); and WXEM(AM), Buford, Georgia, for failure to pay delinquent regulatory fees and

¹ Pursuant to an email exchange with Commission staff, it is counsel's understanding that the so-called "Red Light" barring La Favorita from doing business with the Commission will remain until the Commission receives the Good Faith Payment along with the settlement agreements referenced *infra*, and that, once received, the Red Light status will be removed.

associated interest, administrative costs, and penalties owed to the Commission. The Commission afforded La Favorita 60 calendar days, or until December 27, 2019, to pay the fees or “show cause why the payment demanded is inapplicable or should otherwise be waived or deferred.” This pleading shows cause why the payment should be deferred.

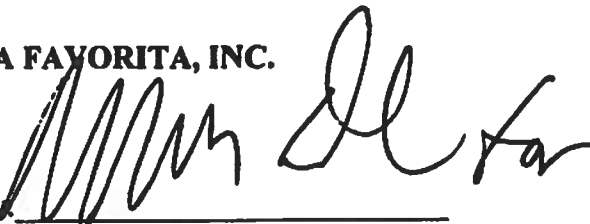
Immediately after receiving the *Order to Pay or to Show Cause*, counsel initiated discussions with the Office of Managing Director toward a plan to pay off the delinquent debt through installments. On November 26, 2019, the Commission’s Chief Financial Officer sent to undersigned counsel a letter² (“Notice of Terms to Obtain Installment Payment Plan, Acknowledgement of Debt and Promissory Note,” herein, “Notice of Terms”) affording La Favorita 20 days, or until December 16, 2019, within which to provide a number of executed documents and submit a “Good Faith Payment” to reduce the amount owed to the Commission. On December 13, 2019, La Favorita delivered most of the signed documents to the Commission and made the Good Faith Payment. Pursuant to an informal extension of time, the balance of the documents were delivered to the Commission on December 20, 2019.

² Received in counsel’s office December 2, 2019.

In light of these actions by La Favorita, it is respectfully requested that the Commission terminate its proceeding to revoke the licenses of the Stations, subject to La Favorita's successful compliance with the conditions imposed in the Commission's Notice of Terms.

Respectfully submitted,

LA FAVORITA, INC.

By 

Gary S. Smithwick
Its Attorney

Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, NW
Suite 301
Washington, DC 20016

202-363-4560

December 20, 2019

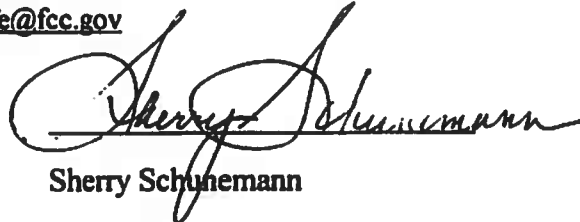
CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, a secretary in the law firm of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Response to Order to Pay or to Show Cause" was hand-delivered and sent by electronic mail, this 20th day of December, 2019, to the following:

Michele M. Carey, Esq.
Chief, Media Bureau
Federal Communications Commission
Washington, DC 20554
Email: michele.carey@fcc.gov

Mr. Mark Stephens
Managing Director
Office of Managing Director
Federal Communications Commission
Washington, DC 20554
Email: mark.stephens@fcc.gov

Mr. Scott Radcliffe
Office of Managing Director
Attn: Ch. RROG, Rm 1C848
Federal Communications Commission
Washington, DC 20554
Email: scott.radcliffe@fcc.gov



Sherry Schunemann

ATTACHMENT 2

DECLARATION OF SAMUEL ZAMARRON

DECLARATION UNDER PENALTY OF PERJURY

I, Samuel Zamarron, under penalty of perjury, declare as follows:

- 1. I am president of La Favorita, Inc., which owns and operates Radio Stations WAOS, WLBA and WXEM.**
- 2. I declare that the statements made in the "Response to Order to Pay or to Show Cause" filed December 20, 2019, are true and correct to the best of my knowledge.**

Executed this 26th day of December, 2019.



Samuel Zamarron

CERTIFICATE OF SERVICE

I, Gary S. Smithwick, an attorney in the law firm of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Precautionary Supplement to Response to Order to Pay or to Show Cause" was sent by United States first class mail and electronic mail, this 26th day of December, 2019, to the following:

Michele M. Carey, Esq.
Chief, Media Bureau
Federal Communications Commission
Washington, DC 20554
Email: michele.carey@fcc.gov

Mr. Mark Stephens
Managing Director
Office of Managing Director
Federal Communications Commission
Washington, DC 20554
Email: mark.stephens@fcc.gov

Mr. Scott Radcliffe
Office of Managing Director
Attn: Ch. RROG, Rm 1C848
Federal Communications Commission
Washington, DC 20554
Email: scott.radcliffe@fcc.gov

A handwritten signature in black ink, appearing to read "Gary S. Smithwick", written over a horizontal line.

Gary S. Smithwick